

1 AMENDMENT TO SENATE BILL 1110

2 AMENDMENT NO. _____. Amend Senate Bill 1110 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Section 3-1 and
6 adding Article IIIIE as follows:

7 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 3-1. Cosmetology defined. Any one or any
10 combination of the following practices constitutes the
11 practice of cosmetology when done for cosmetic or beautifying
12 purposes and not for the treatment of disease or of muscular
13 or nervous disorder: arranging, braiding (except as provided
14 under Article IIIIE), dressing, cutting, trimming, curling,
15 waving, chemical restructuring, shaping, singeing, bleaching,
16 coloring or similar work, upon the hair of the head; cutting
17 or trimming facial hair of any person; any practice of
18 manicuring, pedicuring, decorating nails, applying sculptured
19 nails or otherwise artificial nails by hand or with
20 mechanical or electrical apparatus or appliances, or in any
21 way caring for the nails or the skin of the hands or feet
22 including massaging the hands, arms, elbows, feet, lower

1 legs, and knees of another person for other than the
2 treatment of medical disorders; any practice of epilation or
3 depilation of any person; any practice for the purpose of
4 cleansing, massaging or toning the skin of the scalp;
5 beautifying, massaging, cleansing, exfoliating the stratum
6 corneum of the epidermis, or stimulating the skin of the
7 human body by the use of cosmetic preparations, antiseptics,
8 body treatments, body wraps, the use of hydrotherapy, tonics,
9 lotions or creams or any device, electrical or otherwise, for
10 the care of the skin; applying make-up or eyelashes to any
11 person, tinting eyelashes and eyebrows and lightening hair on
12 the body and removing superfluous hair from the body of any
13 person by the use of depilatories, waxing or tweezers. The
14 term "cosmetology" does not include the services provided by
15 an electrologist. Nail technology is the practice and the
16 study of cosmetology only to the extent of manicuring,
17 pedicuring, decorating, and applying sculptured or otherwise
18 artificial nails, or in any way caring for the nail or the
19 skin of the hands or feet including massaging the hands,
20 arms, elbows, feet, lower legs, and knees. Cosmetologists
21 are prohibited from performing any procedure that may
22 puncture or abrade the skin below the stratum corneum of the
23 epidermis or remove closed milia (whiteheads) which may draw
24 blood or serous body fluid. The term cosmetology includes
25 rendering advice on what is cosmetically appealing, but no
26 person licensed under this Act shall render advice on what is
27 appropriate medical treatment for diseases of the skin.
28 Purveyors of cosmetics may demonstrate such cosmetic products
29 in conjunction with any sales promotion and shall not be
30 required to hold a license under this Act. Nothing in this
31 Act shall be construed to prohibit the shampooing of hair by
32 persons employed for that purpose and who perform that task
33 under the direct supervision of a licensed cosmetologist or
34 licensed cosmetology teacher.

1 (Source: P.A. 91-863, eff. 7-1-00.)

2 (225 ILCS 410/Art. IIIIE heading new)

3 ARTICLE IIIIE. HAIR BRAIDING SHOPS

4 (225 ILCS 410/3E-5 new)

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 3E-5. Requisites for ownership or operation of hair
7 braiding shops.

8 (a) No person, firm, partnership, limited liability
9 company, or corporation shall own or operate a hair braiding
10 shop without first applying on forms provided by the
11 Department for a certificate of registration. All hair
12 braiding shops in operation on the effective date of this
13 amendatory Act of the 93rd General Assembly shall register
14 with the Department within 30 days after the effective date
15 of this amendatory Act of the 93rd General Assembly.

16 (b) The application for a certificate of registration
17 under this Section shall set forth the name, address, and
18 telephone number of the hair braiding shop; the name,
19 address, and telephone number of the person, firm,
20 partnership, or corporation that is to own or operate the
21 shop; and, if the shop is to be owned or operated by an
22 entity other than an individual, the name, address, and
23 telephone number of the managing partner or the chief
24 executive officer of the corporation or other entity that
25 owns or operates the shop.

26 (c) The Department shall be notified by the owner or
27 operator of a shop that is moved to a new location. If there
28 is a change in the ownership or operation of a shop, the new
29 owner or operator shall report that change to the Department
30 along with completion of any additional requirements set
31 forth by rule.

32 (d) If a person, firm, partnership, limited liability

1 company, or corporation owns or operates more than one shop,
2 a separate certificate of registration must be obtained for
3 each shop.

4 (e) A certificate of registration granted under this
5 Section may be revoked in accordance with the provisions of
6 Article IV and the holder of the certificate may be otherwise
7 disciplined by the Department in accordance with rules
8 adopted under this Act.

9 (f) The owner or operator of a hair braiding shop must
10 be a licensed cosmetologist who works on the premises of the
11 hair braiding shop, except as provided in subsection (h).

12 (g) Each person employed as a hair braider at a hair
13 braiding shop must (i) have completed 500 hours of
14 cosmetology instruction in the areas of health, safety, and
15 hygiene and (ii) have passed an examination as determined by
16 the Department, except as provided in subsection (h).

17 (h) Notwithstanding the other provisions of this Act, a
18 person who is not a licensed cosmetologist but, on the
19 effective date of this Section, owned or operated or was
20 employed as a hair braider at a shop that registers under
21 this Section within 30 days after that effective date may
22 braid hair at that shop under the following conditions:

23 (1) for a period of up to 8 months after the
24 effective date of this Section, while the person is
25 engaged in completing 500 hours of cosmetology
26 instruction in the areas of health, safety, and hygiene,
27 provided that the act of braiding is performed under the
28 direct supervision of a licensed cosmetologist who is on
29 the shop premises at all times to perform the application
30 of any chemicals, dyes, or colorings, the cutting of
31 hair, and hygiene-related services; and

32 (2) in the case of an owner or operator who
33 completes the 500 hours of cosmetology instruction in the
34 areas of health, safety, and hygiene within the initial

1 8-month period in a manner satisfactory to the
2 Department, then for an additional period of up to 16
3 months while the owner or operator continues to pursue
4 the cosmetology instruction required for licensure,
5 provided that the act of braiding is performed under the
6 direct supervision of a licensed cosmetologist who is
7 either on the shop premises or available on call to
8 perform the application of any chemicals, dyes, or
9 colorings, the cutting of hair, and hygiene-related
10 services.

11 To become eligible to provide hair braiding services
12 under this subsection (h), a person must register with the
13 Department within the 30 days after the effective date of
14 this Section. To remain eligible, a person must provide from
15 time to time such documentation as the Department may
16 require.

17 (i) The Department may promulgate rules for the
18 administration of this Section and may establish additional
19 requirements for owning or operating a hair braiding shop.

20 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."